

Michael Alan Siddons, Esq.
 LAW OFFICE OF MICHAEL A. SIDDONS ESQ.
 230 N. Monroe Street
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Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT
 FOR THE EASTERN DISTRICT OF PENNSYLVANIA - PHILADELPHIA**

In re: KEVIN WRIGHT Debtor(s),	Bankruptcy No: 15-17104 Chapter: 11 Judge: Honorable Ashely M. Chan
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CERTIFICATE OF SERVICE

I, Michael Alan Siddons, attorney for Debtor(s), hereby certify that on November 18, 2021 a true and correct copy of the Notice of Motion, MOTION TO SET ASIDE SHERIFF'S SALE was served upon all persons entitled to receive notice in this case via ECF Notification or by U.S. Mail to the parties listed in the attached mailing matrix or listed as ECF recipients, including:

US Trustee
via ECF

George M. Conway, Trustee
via ECF

DATED: November 18, 2021

LAW OFFICE OF MICHAEL A. SIDDONS
 ESQ.

/s/ Michael Alan Siddons
 Michael Alan Siddons
 Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA - PHILADELPHIA**

In re: KEVIN WRIGHT Debtor(s),	Bankruptcy No: 15-17104 Chapter: 11 Judge: Honorable Ashely M. Chan
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Hearing Date and Time: December 15, 2021 at 12:30 pm.

NOTICE OF MOTION, RESPONSE DEADLINE AND HEARING DATE

On or about November 18, 2021 Debtor(s) filed a MOTION TO SET ASIDE SHERIFF'S SALE.

1. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult an attorney.)
2. **If you do not want the court to grant the relief sought in the Motion** or if you want the court to consider your views on the Motion, then on or before December 15, 2021, you or your attorney **must file a response to the Motion.** (See instructions below.)
3. A hearing on the Motion is scheduled to be held on December 15, 2021 at 12:30 pm. The hearing will be conducted telephonically. The hearing call in information for Judge Chan is as follows: Phone Number: 1.877.873.8017 Access Code: 3027681. Unless the court orders otherwise, the hearing on this contested matter will be an **evidentiary hearing.**
4. **If you do not file a response to the Motion,** the court may cancel the hearing and enter an order granting the relief requested in the Motion.
5. You may contact the Bankruptcy Clerk's office(s) in Philadelphia at **215-408-2800** or Reading at **610-208-5040** to find out whether the hearing has been canceled because a response was not filed.
6. If a copy of the motion is not enclosed, a copy of the Motion will be provided to you if you request a copy from Attorney Michael Alan Siddons, whose name and address are listed below.
7. If you are required to file documents electronically by Local Bankruptcy Rule 5005-1, you must file your Response electronically.

8. If you are not required to file electronically, you must file your Response with the bankruptcy court located at (Telephonic Appearance).

9. If you mail your Response to the bankruptcy clerk's office for filing, you must mail it early enough so that it will be received on or before December 15, 2021.

10. On the same day that you file or mail your Response to the Motion, you must mail or deliver a copy of the Response to the movant's attorney at this address: 230 N. Monroe Street, Media, Media, PA 19063.

DATED: November 18, 2021

LAW OFFICE OF MICHAEL A. SIDDONS
ESQ.

/s/ Michael Alan Siddons

Michael Alan Siddons

230 N. Monroe Street

Media, PA 19063

Phone: 610-255-7500

Email: msiddons@siddonslaw.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

KEVIN J. WRIGHT

DEBTOR

)

)

)Chapter 11

)

)Case No. 15-17104-amc

)

MOTION TO SET ASIDE SHERIFF'S SALE

AND NOW, comes the Debtor, Kevin J. Wright ("Wright") and files this Motion to Set Aside Sheriff's Sale (the "Motion") and in support thereof avers as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The predicates for the relief requested herein are § 105 of the Bankruptcy Code.

PARTIES

2. Movant, Kevin J. Wright ("Debtor"), is the owner of 14 Green Lane, Bristol, Pennsylvania 19007 (the "Property").

3. Respondent, the Bucks County Tax Claim Bureau (the "Bucks County"), is a municipality in Bucks County, Commonwealth of Pennsylvania is a local government entity and taxing authority which owns, operates, manages, directs, and controls the Buck's Sheriff's Department, all of which are also named as Respondents in this action.

4. Respondent Bucks County Sheriff's Office (the "Sheriff") is a municipal department which is owned, controlled, managed, and directed by Bucks County with a principal place of business at 100 N. Main Street, Floor B2, Doylestown, Pennsylvania 18901.

5. Respondent, ADR Investments, LLC (“ADR”), is a Pennsylvania limited liability company engaged in the real estate business with a principal place of business at 7998 New Falls Road, Pennsylvania 19055.

FACTS

6. On October 1, 2015, Wright filed a Chapter 11 Petition in the United States Bankruptcy Court Eastern District of Pennsylvania at case No. 15-17104-amc (the “Chapter 11 Case”).

7. Kevin J. Wright (“Debtor”) is the owner of 14 Green Lane, Bristol, Pennsylvania 19007 (the “Property”).

8. On or about September 18, 2018, the Debtor became aware that the Property was being exposed to a Bucks County Upset Tax Sale and prompted informed Michael Kaliner, Esq. (Debtor’s Bankruptcy Counsel”) of the sale.

9. Debtor’s Bankruptcy Counsel went to the Bucks County Courthouse on the Sale Date and met with John Torrente, Esquire, then Solicitor for the Bucks County Tax Claim Bureau, and advised him of the pending Bankruptcy (he seemed to already have known about it). Mr. Torrente advised Debtor’s Bankruptcy Counsel that the Property would be removed from the sale list. I did not receive any communication from the Solicitor that the sale was postponed to the November list. The current Solicitor for the Tax Claim Bureau provided me with documentation from the Tax Claim Bureau. The documents fail to reference Debtor’s bankruptcy or the reason for the postponement of the sale of the Property.¹

10. After the commencement of Debtor’s Chapter 11 case, ADR was the prevailing bidder on the Property, which Debtor then owned, at a Bucks County Upset Tax lien sale held November 15, 2018 (the “2015 Tax Sale”).

¹ See Declaration of Michael Kaliner, Esquire in support of Debtor’s Motion to Set Aside Sale attached hereto as Exhibit “A.”

RELIEF REQUESTED

11. Based upon facts and circumstances as set forth above, the Debtor submits that the Property was sold in violation of 11 U.S.C. §362.

12. Wright files the Motion for purposes of obtaining an order 1) declaring the sale void and set aside; 2) permitting this Court's order to be recorded with the City of Philadelphia Department of Records in lieu of filing a corrective deed; and 3) providing that the bid price tendered at the Upset Sale be refunded to the Purchaser.

WHEREFORE, the Debtor respectfully requests that this Court grant the Motion in accordance with the Proposed Order attached hereto.

Respectfully submitted,

THE LAW OFFICE OF MICHAEL ALAN SIDDONS, ESQUIRE

By: /s/ Michael A. Siddons

MICHAEL ALAN SIDDONS, ESQUIRE

230 N. Monroe Street-P.O. Box 403

Media, PA 19063

610-255-7500-Office

610-514-5904-Facsimile

msiddons@siddonslaw.com

Counsel for a Limited Purpose to Debtor Kevin J. Wright

Dated: November 17, 2021

**DECLARATION OF MICHAEL KALINER, ESQUIRE
IN SUPPORT OF DEBTOR’S MOTION TO SET ASIDE UPSET TAX SALE WITH
REGARD TO PROPERTY LOCATED AT 14 GREEN LANE, BRISTOL, PA 19007**

I, Michael Kaliner, Esquire, of full age, being duly sworn according to law, hereby declare as follows:

1. I am an attorney and admitted to practice in the Commonwealth of Pennsylvania and before this Court.

2. For 27 years I served as Chapter 7 bankruptcy trustee under the supervision of the United States Trustee for the Eastern District of Pennsylvania.

3. I operate a law firm known as the Law Office of Adelstein & Kaliner, P.C. 3993 Huntingdon Pike, Suite 210, Huntingdon Valley, PA.

4. I am the lead attorney for Kevin J. Wright (“Debtor”) in the matter docketed as: *In re: Kevin J. Wright*, USBC ED of PA 15-17104-amc, Chapter 11.

5. I submit this Declaration (the “Declaration”) on my own behalf in support of the Motion (the “Motion”) of Kevin J. Wright (the “Debtor”), for entry of an order, granting a Motion to Set Aside Sheriff Sale. Except as otherwise indicated herein, I have a personal knowledge of the matters set forth herein and, if called as a witness, would testify competently thereto.

BACKGROUND

6. On October 1, 2015 (the “Petition Date”), Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania (the “Court”).

7. Shortly before the Bucks County Upset Tax sale on 9/18/2018, the Debtor forwarded to me the Notice of Tax Sale for his Property located at 14 Green Lane, Bristol, PA 19007 (“Property”).

8. On the sale date I went to the Bucks County Courthouse, I met with John Torrente, Esq., then Solicitor for the Bucks County Tax Claim Bureau, and advised him of the pending Bankruptcy (he seemed to already have known about it). Mr. Torrente advised me that the Property would be removed from the sale list. Expecting that it would be permanently deferred, I left before the sales were announced. I did not receive any communication from the Solicitor that the sale was postponed to the November list. The current Solicitor for the Tax Claim Bureau provided me with documentation from the Tax Claim Bureau. The documents fail to reference Debtor's bankruptcy or the reason for the postponement of the sale of the Property.

9. When I learned of the sale in May 2019 I communicated with Mr. Torrente, who didn't recall my attending the sale and/or advising of the Bankruptcy.

Respectfully submitted,

THE LAW OFFICE OF ADELSTEIN & KALINER, P.C.

By: /s/ Michael Kaliner
MICHAEL KALINER, ESQUIRE

Dated: November 18, 2021

Label Matrix for local noticing

0313-2

Case 15-17104-amc

Eastern District of Pennsylvania

Philadelphia

Thu Nov 18 15:46:16 EST 2021

Conestoga Bank, successor to First Penn Bank

c/o Charles N. Shurr, Jr., Esquire

Kozloff Stoudt

2640 Westview Drive

Wyomissing, PA 19610-1186

Pottstown School District/Borough of Pottsto

c/o Portnoff Law Associates, Ltd.

P.O. Box 3020

Norristown, PA 19404-3020

WSFS Bank, successor to Beneficial Bank and

c/o Charles N. Shurr, Jr., Esquire

Kozloff Stoudt

2640 Westview Drive

Wyomissing, PA 19610-1186

Betty Igbenedian

6144 N. Marshall St

Philadelphia, PA 19120-1331

CITY OF PHILADELPHIA, LAW DEPARTMENT TAX UN

BANKRUPTCY GROUP, MSB

1401 JOHN F. KENNEDY BLVD., 5TH FLOOR

PHILADELPHIA, PA 19102-1640

Coba, Inc.

Phillip D. Berger, Esquire

450 N. Narberth Ave

Narberth, PA 19072-1822

Dolores Wright

2239 Fitzwater St

Philadelphia, PA 19146-1132

Eric George, Esq.

530 W. Butler Ave

Chalfont, PA 18914-3209

Palisades Acquisition IX, LLC

Vativ Recovery Solutions LLC, dba SMC

As Agent for Palisades Acquisition IX, L

P. O. Box 40728

Houston, TX 77240-0728

Keller Williams Center City

1619 Walnut Street

Philadelphia, PA 19103-5419

United States Trustee

Office of the U.S. Trustee

200 Chestnut Street

Suite 502

Philadelphia, PA 19106-2908

Philadelphia

900 Market Street

Suite 400

Philadelphia, PA 19107-4233

Borough of Pottstown

c/o Portnoff Law Associates, Ltd.

P. O. Box 3020

Norristown, PA 19404-3020

City of Philadelphia, Law Dept - Tax Unit

Municipal Services Building

1401 John F. Kennedy Blvd., 5th Floor

Philadelphia, PA 19102-1617

Conestoga Bank

Attn: Val Jones

165 Pottstown Pike

Chester Springs, PA 19425-9518

Eric A. George, Esquire

530 W. Butler Avenue

Chalfont PA 18914-3209

(p)INTERNAL REVENUE SERVICE

CENTRALIZED INSOLVENCY OPERATIONS

PO BOX 7346

PHILADELPHIA PA 19101-7346

Pennsylvania Department of Revenue

Bankruptcy Division PO BOX 280946

Harrisburg, PA 17128-0946

Cliveden Nursing & Rehabilitation Center PA

c/o Morris & Adelman, P.C.

P.O. Box 2235

Bala Cynwyd, PA 19004-6235

Montgomery County Tax Claim Bureau

c/o Michael D. Vagnoni, Esquire

Centre Square West, Suite 3400

1500 Market Street

Philadelphia, PA 19102-2100

Velocity Commercial Capital

c/o Jonathan J. Bart, Esquire

Two Penn Center

Suite 910

Philadelphia, PA 19102-1742

American InfoSource LP as agent for

Midland Funding LLC

P. O. Box 268941

Oklahoma City, OK 73126-8941

Borough of Pottstown/Pottstown Borough Autho

c/o Portnoff Law Associates, Ltd.

P.O. Box 3020

Norristown, PA 19404-3020

Cliveden Nursing & Rehabilitation Center PA

6400 Green Street

Philadelphia PA 19119-3231

Conestoga Bank, successor by merger to First

Kozloff Stoudt

2640 Westview Drive

Wyomissing, PA 19610-1186

Eric Estes

P. O. Box 2185

N Myrtle Beach, SC 29598-2185

Midland Credit Management, Inc.

8875 Aero Drive, Suite 200

San Diego, CA 92123-2255

(p)PORTFOLIO RECOVERY ASSOCIATES LLC

PO BOX 41067

NORFOLK VA 23541-1067

Pottstown School District
1000 Sandy Hill Rd, Suite 150
Norristown, PA 19401

Pottstown School District
c/o Portnoff Law Associates, Ltd.
P.O. Box 3020
Norristown, PA 19404-3020

(p)RODDY DICKINSON HORRY COUNTY TREASURER
PO BOX 1828
CONWAY SC 29528-1828

Stephanie Little, Esq.
P. O. Box 144
N. Myrtle Beach, SC 29597-0144

(p)TD BANKNORTH NA
70 GRAY ROAD
FALMOUTH ME 04105-2299

TD Bank
c/o MARTIN A. MOONEY
Schiller, Knapp, Lefkowitz & Hertzell LLP
950 New Loudon Road
Ste. 109
Latham, NY 12110-2190

TD Bank NA
c/o Saldutti Law Group
Rebecca K. McDowell, Esq.
BNY Mellon Center
1735 Market Street, Suite 3750
Philadelphia, PA 19103-7532

Velocity Commercial Capital, LLC
c/o Wilentz Goldman & Spitzer
Jonathan J. Bart, Esquire
Two Penn Center, Suite 910
Philadelphia, PA 19102-1742

Water Revenue Bureau
c/o Pamela Elchert Thurmond
1401 JFK Blvd., 5th Floor
Phila., PA 19102-1663

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530 W. Butler Ave.
Chalfont, PA 18914-3209

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Kevin J. Wright
2113 Fitzwater Street
Philadelphia, PA 19146-1212

Kevin J. Wright
MAILING ADDRESS
P.O. Box 1381
Pottstown, PA 19464-0890

MICHAEL ALAN SIDDON
Law Office of Michael Alan Siddons Esq
230 N. Monroe Street
PO Box 403
Media, PA 19063-0403

Robert H. Bemby, III
100 S. Borad Street
Suite 910
Philadelphia, PA 19110-1016

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

City of Philadelphia
Law Revenue Department
c/o Pamela Elchert Thurmond
1401 JFK Boulevard
5th Floor, Municipal Services Bldg
Philadelphia, PA 19102

(d)City of Philadelphia Law Department
Tax & Revenue Unit
Bankruptcy Group, MSB
1401 John F. Kennedy Blvd., 5th Floor
Philadelphia, PA 19102-1595

IRS
PO BOX 21126
PHILA PA 19114

Portfolio Recovery Associates, LLC
P. O. Box 41067
Norfolk, VA 23541

Roddy Dickinson
Horry County Treasurer
P. O. Box 602773
Charlotte NC 28260

TD Bank
P. O. Box 9547
Portland, ME 04412
Attn: Bankruptcy Dept.

(d)TD Bank N.A.
Attn: Bankruptcy Dept.
ME2-002-035
P.O. Box 9547
Portland, ME 04112-9547

(d)Water Revenue Bureau
City of Philadelphia
Law Dept.-Tax Unit
Bankruptcy Group, MSB
1401 JFK Blvd., 5th Floor
Philadelphia, PA 19102-1595

(d)Water Revenue Bureau
c/o City of Philadelphia Law Department
Tax & Revenue Unit
Bankruptcy Group, MSB
1401 John F. Kennedy Blvd., 5th Floor
Philadelphia, PA 19102-1595

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

End of Label Matrix
Mailable recipients 44
Bypassed recipients 3
Total 47